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1	214	1
2	UNITED STATES DISTRICT COURT	2 APPEARANCES:
3	SOUTHERN DISTRICT OF NEW YORK	3
4	----- x	4 ROLANDE CUTNER, ESQ.
5	ROLANDE CUTNER,	5 Pro Se
6	Plaintiff,	6 60 Broad Street
7	-against-	7 Suite 3502
8	THE LANTERN GROUP, ST. LOUIS HALL, L.P.,	8 New York, New York 10004
9	SRO HOTEL THE ST. LOUIS a/k/a	9
10	THE ST. LOUIS HALL, 319 REALTY SERVICES, LLP	10
11	and 319 WEST LLC, and XYZ CORPORATION,	11
12	(Said name being fictitious; it being the	12 MIRANDA SOKOLOFF SAMBURSKY SLONE
13	intention of CUTNER to designate any	13 VERVENIOTIS, LLP
14	corporation having a legal interest in	14 Attorneys for Defendants
15	the SRO HOTEL THE ST. LOUIS),	15 The Esposito Building
16	Defendants.	16 240 Mineola Boulevard
17	----- x	17 Mineola, New York 11501
18		18 BY: MELISSA HOLTZER, ESQ.
19	450 Seventh Avenue	19
20	New York, New York	20
21	August 5, 2008	21
22	10:11 a.m.	22
23	CONTINUED EXAMINATION BEFORE TRIAL	23
24	FROM JULY 10, 2008 of ROLANDE CUTNER, the	24
25	Plaintiff in the above-entitled action, held	25
	at the above time and place, pursuant to	
	Order, taken before Mary E. Santiago, a	
	shorthand reporter and Notary Public within	
	and for the State of New York.	
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1	216	1
2		2 ROLANDE CUTNER,
3	STIPULATIONS	3 the witness herein, having been
4		4 previously duly sworn by a Notary
5	IT IS HEREBY STIPULATED AND AGREED	5 Public of the State of New York,
6	by and between the attorneys for the	6 was examined and testified as
7	respective parties herein, that filing,	7 follows:
8	sealing and certification be and the	8 EXAMINATION BY
9	same are hereby waived.	9 MS. HOLTZER:
10	IT IS FURTHER STIPULATED AND AGREED	10 Q. Good morning. We're here today for
11	that all objections, except as to the	11 a continuation of your deposition which the
12	form of the question shall be reserved	12 first day of -- which was held on July 10,
13	to the time of the trial.	13 2008.
14	IT IS FURTHER STIPULATED AND AGREED	14 MS. HOLTZER: I just want to
15	that the within deposition may be signed	15 have this marked as Exhibit C.
16	and sworn to before any officer authorized	16 (Interim Package Handling
17	to administer an oath, with the same force	17 Policy was marked
18	and effect as if signed and sworn to before	18 Defendants' Exhibit C for
19	the Court.	19 identification, as of this
20		20 date.)
21		21 Q. I'm going to show you what has been
22		22 marked as Exhibit C (handing). The extra
23		23 file I gave you is for your file.
24		24 Do you recognize this document?
25		25 A. Yes, I do.

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1	Rolande Cutner	218	1	Rolande Cutner	219
2	Q. What do you understand what this		2	had spoken to Ms. Cohen about the package	
3	document to be?		3	delivery?	
4	A. It is a notice entitled "Interim		4	A. I don't know. I spoke to her.	
5	Package and Handling Policy."		5	Q. Do you see under procedures after	
6	Q. Do you see where it says under		6	the second bullet point where it says "if you	
7	procedures where it says "tenants who desire		7	are expecting a package, be sure to check	
8	the reception desk to accept packages must		8	with the reception desk."	
9	fill out and sign the request form for		9	Did you ever check with the	
10	package delivery and package assistance," the		10	reception desk and let them know you were	
11	package delivery assistance form?		11	expecting a package?	
12	A. No.		12	A. Let me explain. I talked to the	
13	Q. Why didn't you fill out this form?		13	security guard. Every time they turn out the	
14	A. Because I talked personally, I mean		14	delivery boy, delivery of my cleaners.	
15	during that meeting that we had and I don't		15	Instead of package we should put cleaners so	
16	remember, it was maybe September 10th or		16	my answer is yes, I talked to the security	
17	September 15th. I know it was in September,		17	guard about the delivery boy. That's the	
18	but I don't remember the exact date.		18	correct answer.	
19	This lady from the Lantern Group as		19	Q. Do you see how at the top under	
20	present, I think her name is Harriet Cohen		20	where it says "St. Louis Hall," it says	
21	and I talked to her personally so I did not		21	"September 10, 2007."	
22	feel that it was necessary to fill out the		22	Did the security guards ever reject	
23	form.		23	the delivery boy after September 10, 2007?	
24	Q. Do you know whether the security		24	A. Yes.	
25	guards at your building were aware that you		25	Q. On how many occasions?	
Page 220			Page 221		
1	Rolande Cutner	220	1	Rolande Cutner	221
2	A. A lot.		2	A. Nothing.	
3	Q. About how often?		3	Q. Do you recall the names of any of	
4	A. Considering that I deliver, I asked		4	the security guards that you spoke with?	
5	for delivery of my clean clothes twice a		5	A. No, because most of the time when I	
6	week, it would be twice a week, roughly.		6	ask for the name, they would say, "It's not	
7	Q. So every time the delivery boy came		7	of your business, lady."	
8	with your laundry they would be turned away?		8	Q. Was it a different security guard	
9	A. Yes.		9	each time?	
10	Q. You said that you would speak to		10	A. Yes, I believe so.	
11	the security guards; was it always the same		11	Q. Do you recall last time we met at	
12	security guard?		12	your last deposition you gave testimony	
13	A. No.		13	regarding the bed bug policy?	
14	Q. What would you say to the security		14	A. Yes.	
15	guards?		15	Q. Do you recall your testimony that	
16	A. "Where is my clean clothes?"		16	none of the tenants used, took advantage of	
17	Q. What would they say in response?		17	the bed bug extermination services?	
18	A. "I don't know."		18	A. I don't remember my testimony being	
19	Q. Did you tell them that you have a		19	exactly this wording.	
20	physical disability and the Lantern Group has		20	Q. I'm going to show you what was	
21	a policy where the reception desk is supposed		21	previously marked as Exhibit A (handing).	
22	to accept deliveries with tenants with		22	Ms. Cutner, I'm going to direct you	
23	disabilities?		23	to Page 22 of Exhibit A.	
24	A. You bet I did.		24	A. I am with you.	
25	Q. What did they say in response?		25	Q. Do you see towards the top of the	

<p style="text-align: right;">Page 222</p> <p>1                   Rolande Cutner           222</p> <p>2 page in the second paragraph it says, "as a</p> <p>3 matter of fact, the extermination described</p> <p>4 by the Lithan Co. leaflet that no tenants</p> <p>5 ever called that company."</p> <p>6                   Do you know for a fact that no</p> <p>7 tenants ever called the company?</p> <p>8                   A. I repeat what one of the tenants</p> <p>9 told me exactly, the sentence I repeat. You</p> <p>10 know, she said to me "it's so complicated</p> <p>11 that nobody in the building can following</p> <p>12 this proceeding" or words to that expression.</p> <p>13 The tenant talked to me to that.</p> <p>14                   MS. HOLTZER: I'm going to</p> <p>15 have this marked as Exhibit D.</p> <p>16                   (Document was marked</p> <p>17 Defendants' Exhibit D for</p> <p>18 identification, as of this</p> <p>19 date.)</p> <p>20                   Q. Ms. Cutner, I'm going to show you</p> <p>21 what has been marked as Exhibit D (handing).</p> <p>22                   Have you ever seen this document</p> <p>23 before?</p> <p>24                   A. I don't recall the document dated</p> <p>25 September 5th but I certainly recall the</p>	<p style="text-align: right;">Page 223</p> <p>1                   Rolande Cutner           223</p> <p>2 document that was titled, is the Lantern Co.,</p> <p>3 as of June 26th. This one I remember having</p> <p>4 seen this one.</p> <p>5                   Q. Do you recognize this document as a</p> <p>6 document that you provided to us as part of</p> <p>7 your automatic disclosures?</p> <p>8                   A. Yes. This is. I didn't recognize</p> <p>9 it because I specifically gave it to you.</p> <p>10                   Q. I want to direct you towards the</p> <p>11 second page of Exhibit D that says "service</p> <p>12 improvement schedule."</p> <p>13                   I want to point you to the third</p> <p>14 item down where it says "bed bug policy" and</p> <p>15 do you see where it says "a number of tenants</p> <p>16 have signed up and had their rooms</p> <p>17 fumigated," do you know whether or not that's</p> <p>18 true?</p> <p>19                   A. I have no way to know that. I</p> <p>20 don't know.</p> <p>21                   Q. Do you see where it says "we were</p> <p>22 outreaching to the remaining tenants to</p> <p>23 address bed bug issues?"</p> <p>24                   A. What's your question?</p> <p>25                   Q. Do you see where it says that?</p>
<p style="text-align: right;">Page 224</p> <p>1                   Rolande Cutner           224</p> <p>2                   A. Yes, I can read it.</p> <p>3                   Q. Did anyone from the Lantern Group</p> <p>4 ever reach out to you regarding having your</p> <p>5 room fumigated for bed bugs?</p> <p>6                   A. Tenants talk to me about that?</p> <p>7                   Q. Anyone from the Lantern Group?</p> <p>8                   A. No, I don't recall.</p> <p>9                   Q. I want to direct you to the last</p> <p>10 page of the document -- no, the next to last</p> <p>11 page, the page that says the Lithan Co.</p> <p>12                   As of June 26, 2006, is the</p> <p>13 procedure outlined here, the procedure that</p> <p>14 you're referring to in your complaint?</p> <p>15                   A. Yes, that's correct.</p> <p>16                   Q. What about this procedure did you</p> <p>17 believe was complicated?</p> <p>18                   A. I just report what one of the</p> <p>19 tenants told me. It was conversation I would</p> <p>20 say and this tenant because I believe if my</p> <p>21 memory is correct, we were talking about bed</p> <p>22 bug and I said, "Apparently there is a policy</p> <p>23 to get treated for bed bug." And this lady</p> <p>24 tenant say, "What? Did you see the policy</p> <p>25 how complicated? Nobody can follow this</p>	<p style="text-align: right;">Page 225</p> <p>1                   Rolande Cutner           225</p> <p>2 policy." And she went on and on and on. And</p> <p>3 I say, "What's the policy?"</p> <p>4                   So I don't remember if she handed</p> <p>5 me this or maybe, I'm not sure if it was</p> <p>6 posted on the wall or she handed that to me,</p> <p>7 that I am not sure. But, whatever, I saw</p> <p>8 this document, I took it, I read it, and I</p> <p>9 said, "I understand what you mean it's so</p> <p>10 complicated. How in the world people are</p> <p>11 going to follow this policy?"</p> <p>12                   That was the extent, substance of</p> <p>13 the conversation, not every word but the</p> <p>14 substance.</p> <p>15                   Q. Do you recall the name of the</p> <p>16 tenant?</p> <p>17                   A. Yes, Florence Baylor, B-A-Y-L-O-R,</p> <p>18 I believe, Baylor, yes.</p> <p>19                   Q. And do you know whether --</p> <p>20                   A. Oh, excuse me. And also another</p> <p>21 tenant, Mr. Chris Santee, S-A-N-T-E-E, and I</p> <p>22 remember he said "this is a joke" that I</p> <p>23 remember because I had to agree with him. He</p> <p>24 said, quote, unquote, "this is a joke,"</p> <p>25 talking about this.</p>

		Page 226	Page 227
1	Rolande Cutner	226	Rolande Cutner
2	Q. Did you have bed bugs in your room?		'cause I would fall on the back or fall on
3	A. No, no, because I am myself, I do		the front.
4	the bed bug every day so I would say,		It's very important to understand
5	fortunately, no.		that because of my disease I cannot carry on
6	Q. Do you know whether this procedure		the top of my extended arm, I cannot carry.
7	is necessary in order to rid an apartment of		Q. You stated before that it was the
8	bed bug infestation?		security guards who declined receipt of your
9	A. I have no idea. I am not a		packages; is that correct?
10	specialist.		A. I said clean clothes, you know.
11	Q. I want to direct you back to your		Q. Right, but it was the security
12	complaint, Exhibit A, Page 55.		guards who declined delivery of your
13	A. Fifty-five.		laundered clothes; is that correct?
14	Q. In Paragraph 162, you allege that		A. Yes.
15	the Lantern Group knowingly and intentionally		Q. What is your basis for alleging
16	caused you to be harassed and discriminated		that the Lantern Group knowingly and
17	against because of your disability. In what		intentionally caused the security guards to
18	way were you harassed because of your		decline your clean clothes deliveries?
19	disability?		A. Because I spoke several times to
20	A. In several ways but the most		Ms. Harriet Cohen about the fact that I
21	important is that I could not have my clean		cannot carry my clean clothes and I
22	clothes delivered to the building, and as I		specifically tell her that it's very
23	explained, I believe I explained to you at		important because I had metal plate on my
24	the last deposition because of my disease, I		back and if I fall on my back, it's a
25	cannot carry anything with my hand extended		disaster.
		Page 228	Page 229
1	Rolande Cutner	228	Rolande Cutner
2	And I repeatedly I told her that		meeting which I was there and she was present
3	and I even confront her also at the BSA		and she had the nerve to say in front of
4	hearing on 40 Rector Street and I confront		everybody, "I don't know this woman." This
5	her again at CB 7 meeting which is a		is what she had the nerve to say and I
6	Community Board 7 meeting again and several		confront her facing her.
7	other meetings that I have to look into my		Q. She said that she doesn't know you?
8	memory booklet says that in a general		A. Yes.
9	speaking way I confront her and nothing		Q. In what context did she say that?
10	happened and because the Lantern Group, I		A. Because I confront her for the
11	understand but I am not sure, of course, but		delivery of my clean clothes.
12	understand the Lantern Group retain the		Q. You told her that you needed to
13	security guards corporation to enforce the		have your clothes delivered and your
14	policy in the building. The security guard		deliveries were being rejected and she
15	are controlled by the Lantern Group because		responded that she didn't know you; is that
16	the security guard they don't know nothing,		correct?
17	they just follow what the Lantern Group tells		A. Let me explain. They gave me the
18	them to do.		microphone and I explain that again even this
19	Q. When was the most recent time that		package, my clean clothes, the delivery boy
20	you spoke with Harriet Cohen regarding your		of the clean clothes has been turned away.
21	laundry delivery?		So I am talking with the microphone and they
22	A. The Community Board 7 meeting		are all public and I see Ms. Harriet Cohen
23	either in July 2008 or late June. Again, I		sitting so I walk and I said, "How come again
24	have to look at my calendar. Let's put it		my clean clothes are not delivered and the
25	precisely at the last Community Board 7		security guard turn away my delivery boy?"

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1	Rolande Cutner	230	1	Rolande Cutner	231
2	She look maybe because I don't want		2	recognize me, maybe. I don't want to accuse	
3	to say she was, was because I confronted her,		3	a person, you know. Maybe.	
4	she looked, she said "I don't know this		4	Q. What I meant by my question was you	
5	woman" in front of all the community board.		5	said that she said it a little bit shy; do	
6	So I became so angry, I said, "You don't		6	you mean that she spoke quietly?	
7	remember me?" So then a little bit shy she		7	A. Shy in the sense of nervous. Her	
8	said, "Yes, I think I do remember you." That		8	voice was not coming out. She sound like	
9	was I would call it a confrontation.		9	almost like a child who is under a tremendous	
10	Q. Why do you say that she said "I		10	shyness, maybe. I mean, I don't want to, you	
11	think I remember you?"		11	know, elaborate because I'm not sure.	
12	A. Because we were in an environment		12	Q. So in terms of the volume of her	
13	with 25 people in the public, they're the		13	voice when she said "I remember you," did she	
14	whole community board is sitting there,		14	say it quietly?	
15	everybody is looking at her. I think, so I		15	A. Very quietly, almost mumbling into	
16	think that she did not recognize me and then		16	her throat, I think.	
17	suddenly she say she recognize me. Let's		17	Q. When she said "I don't know this	
18	give her the benefit of the doubt.		18	woman," was she also speaking quietly?	
19	So, I mean, you know, what can I		19	A. Yes, yes.	
20	say, I mean, you know, she probably then say		20	Q. About how many times would you say	
21	yes, I recognize you or something like, I		21	that you spoke with Ms. Cohen regarding the	
22	mean, you have to understand. It, it was a		22	delivery of your clean clothes?	
23	very confrontational meeting with all the		23	A. A lot of the times and I have to	
24	public there and maybe she was "oh, my god,		24	look into my calendar but a lot of the times.	
25	maybe it's true" at the minute she did not		25	Q. Would it be more or less than five	
	Page 232		Page 233		
1	Rolande Cutner	232	1	Rolande Cutner	233
2	times?		2	clean clothes, is there any other way that	
3	A. More than five times. I mean, we		3	you allege the Lantern Group harassed or	
4	are talking now about, let's say, the two		4	discriminated against you because of your	
5	years since the Lantern Group took over in		5	disability?	
6	March of 2006, then we have the whole 2007		6	A. Yes.	
7	and then we have from January 2008 until June		7	Q. And what other ways?	
8	or today.		8	A. Again, I want to point out that the	
9	Q. Would you say in the entire time		9	Lantern Group being the manager and legally	
10	period that you just described, would you say		10	being the boss of the security guards, I	
11	you've spoken to her more or less than ten		11	would tell it is the Lantern Group, but	
12	times?		12	physically, the security guard were verbally	
13	A. Let's say between five and ten over		13	harassing me.	
14	the, let's say, two years period and to be		14	Q. How did they verbally harass you,	
15	reasonable, say, between five and ten in a		15	just with regards to your disability?	
16	two-year period.		16	A. Well, "Lady, you should go to a	
17	Q. Aside from the security guards and		17	nursing home. Why don't you go to a nursing	
18	aside from Ms. Cohen, was there anyone else		18	home. You don't belong here. Fuck you,	
19	at the Lantern Group that you discussed		19	lady." And they mimic my accent.	
20	delivery of your clean clothes with?		20	Q. We're just talking about your	
21	A. Belonging to the Lantern Group?		21	disability now.	
22	Q. Yes.		22	Who do you recall what security	
23	A. I cannot recall. Maybe but I		23	guard told you that you should go to a	
24	cannot recall.		24	nursing home?	
25	Q. Other than the delivery of your		25	A. The name?	

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1	Rolande Cutner	234	1	Rolande Cutner	235
2	Q. The name or, well, do you recall		2	or anyone from the Lantern Group ever make	
3	the name of the security guard who told you		3	any comments with regard to your disability	
4	that?		4	that you feel are harassment?	
5	A. I have no way to know the name.		5	A. Yes.	
6	They will never disclose their name. I		6	Q. And what other comments were made?	
7	already told you that.		7	A. Like, I mean regarding to my, the	
8	Q. Okay. I have to ask: Do you		8	way I walk, the way I proceed. Things like	
9	recall what the security guard looked like?		9	that.	
10	A. Young, tall. He's either Black or,		10	Q. What was said about the way that	
11	we say in French, light coffee, I mean the		11	you walk?	
12	skin tone. I don't know how you say in this		12	A. Same thing: "You don't belong	
13	country, light coffee.		13	here." Same thing: "Why don't you go to a	
14	Q. Male or female?		14	nursing home." Things of nature, of that	
15	A. Oh, male, definitely, definitely.		15	color.	
16	Q. Did you ever see the security guard		16	Q. Was this the same security guard or	
17	again after that incident?		17	was it different?	
18	A. No, it's a different. Almost I		18	A. No, different.	
19	would say, I mean I would say almost every		19	Q. Do you recall the name of the	
20	week or almost every two weeks, I mean they		20	security guard?	
21	are different. No, I cannot say of one		21	A. No.	
22	specific person. They are different people.		22	Q. Do you recall what the security	
23	They are generally very, very obnoxious.		23	guard that said this looks like?	
24	Q. Other than this comment about the		24	A. Tall, young. Skin color, maybe a	
25	nursing home, did any of the security guards		25	little bit coffee and milk. We said caff	
Page 236			Page 237		
1	Rolande Cutner	236	1	Rolande Cutner	237
2	ofT, coffee and milk skin tone. I cannot		2	building and fall on the stoop, I mean being,	
3	tell.		3	how can I explain that being upset, being	
4	Q. But it was a different security		4	totally enraged maybe, I mean you can use	
5	guard than the other one?		5	this word, "boom," I fall. Then I damage my	
6	A. Yes.		6	knees, I mean, no. I would say it's related	
7	Q. Did any other security guards make		7	to the multiple sclerosis disease, let's put	
8	a similar comment to you other than the two		8	it that way.	
9	that you've already mentioned?		9	Q. When you say that you damaged your	
10	A. I cannot recall now but I can, you		10	knees, that was as a result of a fall?	
11	know, try to recall.		11	A. Yes, yes, definitely.	
12	Q. You say in Paragraph 162 and again		12	Q. Did you obtain medical treatment	
13	in Paragraph 165 that you suffered a serious		13	for the damage done to your knees?	
14	injury as a proximate result of this		14	A. No, because I fall so many times I	
15	discrimination. What injuries did you		15	would be to see the doctor almost every day	
16	suffer?		16	if I fall.	
17	A. Again, you have to understand that		17	Q. Other than what you've already	
18	I have a mess, multiple sclerosis, and it's		18	testified to, is there any other way in which	
19	related to the MS.		19	you believe the Lantern Group harassed or	
20	When you are extremely upset you		20	discriminated against you just because of	
21	have a tendency to fall, you miss your step		21	your disability?	
22	and you fall, and the more upset you become		22	A. Can you repeat again?	
23	the more fall you experience, the more		23	Q. Sure.	
24	falling incidents you experience. So I would		24	Other than what you've already	
25	say being totally upset I would go out the		25	testified to, is there any other way, is	

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1	Rolande Cutner	238	1	Rolande Cutner	239
2	there any other manner in which you believe		2	say, quote, unquote, I don't belong there.	
3	that the Lantern Group discriminated against		3	Oh, and I remember another one related to the	
4	you or harassed you on the basis of your		4	fact that I don't belong there, you know.	
5	disability?		5	Another guy said, "You are cheap,	
6	A. It would be only on those incidents		6	you are a cheapee." I remember that he was	
7	but repeatedly months after months after		7	trying to tell me and that was also related	
8	months. That type of incident.		8	to the going to a nursing home.	
9	Q. How often -- I know we discussed		9	The way I understood it, you know,	
10	the clean clothes -- how often did the		10	"you are cheap, you are cheapee," something	
11	security guards make comments to you about		11	related to that. And I what I understood is	
12	your disability?		12	because you are so, quote, unquote "cheap,"	
13	A. Over the two years period?		13	you will not go to a expensive hotel because	
14	Q. Yes.		14	of some reason it's a SRO, you stay there	
15	A. It's difficult for me to pinpoint		15	because you are yourself cheap. It was	
16	but over two years period, let's say, maybe		16	something related to that because the	
17	ten times, you know, to be reasonable.		17	St. Louis is the SRO and like it was	
18	Q. Were all of the comments that were		18	extremely humiliating to me is that I	
19	made similar to the ones that you testified		19	selected to be in SRO because I am cheap.	
20	about, about going to a nursing home?		20	Q. Why did you understand that to mean	
21	A. Yes.		21	that he was telling you that you should be in	
22	Q. So all ten of the comments were		22	a nursing home?	
23	saying that you should go to a nursing home;		23	A. Why I understand?	
24	is that correct?		24	Q. What gave you the impression that	
25	A. This is what I understood. Let's		25	he was saying that because of your disability	
Page 240			Page 241		
1	Rolande Cutner	240	1	Rolande Cutner	241
2	or because he felt you should be in a nursing		2	A. No. Cheap, cheap, cheap.	
3	home?		3	Q. What you just said about the	
4	A. Because I am disabled, because I am		4	nursing home, did he say those words to you	
5	old. I am disabled, I belong in a nursing		5	or is that your understanding of what he said	
6	home which is extremely humiliating when you		6	to you?	
7	are fighting for your life and to try to be		7	A. I mean, what kind of question is	
8	in society, so that's humiliation.		8	that? Anybody, -- if I, you, Melissa,	
9	Q. But why do you think that he was		9	somebody tell you why don't you go in a	
10	inferring that you should be in a nursing		10	nursing home, you would say wait a minute	
11	home as opposed to saying that you should be		11	now, do I look like a old, broken lady, no, I	
12	in a nicer building?		12	am a, Melissa, I am not an old and broken	
13	A. I have no idea except that I am		13	lady. You would be extremely humiliated so	
14	disabled. It is true.		14	it's the same thing if somebody tell me go to	
15	Q. He said that you were cheap but he		15	a nursing home.	
16	didn't specifically say that you should be in		16	Q. Well, I'm not asking you how you	
17	a nursing home or anything specific about		17	feel; I'm asking because you testified that	
18	your disability; is that correct?		18	he said that you were cheap; that's correct?	
19	A. No, I would not say it like that.		19	A. This is it.	
20	I would say because I am old, because I am		20	Q. He said the words "you're cheap" or	
21	disabled I should go to a nursing home and if		21	"cheapee"?	
22	I am in this, this SRO is because I am,		22	A. Yes.	
23	quote, unquote, "cheap."		23	Q. And did he also use the words	
24	Q. Did he say those words to you or is		24	"you're old and disabled" when he --	
25	that what you understood his words to mean?		25	A. No. You are asking me what, why he	

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1	Rolande Cutner	242	1	Rolande Cutner	243
2	say that and my answer is probably because I		2	Q. Other than the falling that you	
3	am not in his brain probably because it is		3	said you suffered because you were upset, are	
4	true, I am old and because I am disabled but		4	there any other injuries that you allege that	
5	again, probably, I should say probably		5	you suffered as a result of the disability	
6	because I am not in his mind I am not in his		6	discrimination?	
7	brain. I am not sitting inside his head.		7	A. I would say specifically and I	
8	Q. Now, the other two security guards		8	would say the soul, your soul; your injury to	
9	that you referenced earlier, I just want to		9	your soul. See, how do you say in French, we	
10	clarify because I'm not sure, I just want to		10	say injury to the soul, you see. It's like	
11	make sure that I understand.		11	you are so upset you are losing confidence in	
12	You said that the other two		12	yourself because let me explain a little bit	
13	security guards that you already described		13	because that is inside of me.	
14	said to you, "you don't belong here," is that		14	I am fighting to stay alive, I am	
15	correct?		15	fighting to go to work, I am fighting not to	
16	A. Yes.		16	get in a wheelchair so I certainly not need	
17	Q. Now, did they use the words		17	somebody to tell me "you are cheapee, why	
18	"nursing home" to you?		18	don't you go to a nursing home, you don't	
19	A. Yes, definitely nursing home. Yes.		19	belong here."	
20	Q. Both. Did they both use the words		20	It destroy me inside because I'm	
21	"nursing home?"		21	fighting, I am a fighter. I'm not a crying	
22	A. This is what I hear.		22	baby and I am humiliated and yes, it is an	
23	Q. You heard them use the words		23	injury to my soul, let's put it that way.	
24	"nursing home?"		24	Q. Did you ever seek treatment from a	
25	A. Yes.		25	mental health professional regarding your	
	Page 244		Page 245		
1	Rolande Cutner	244	1	Rolande Cutner	245
2	injury to the soul or your emotional		2	that because my office is in Wall Street in	
3	distress?		3	the financial district. Because everybody is	
4	A. No, you mean like to go see a		4	well dressed, clean, looking good because I	
5	psychiatrist?		5	want to be like everybody else.	
6	Q. Right, right.		6	The fact that I cannot have my	
7	A. No, I did not go to see a		7	cleaners is, yes, it is an injury to the	
8	psychiatrist.		8	soul. Also because I feel humiliated in my	
9	Q. Did you receive any treatment from		9	office and running into the field to lose my	
10	a medical professional, like your general		10	office if I don't arrive clean, beautiful	
11	doctor, regarding any of the emotional		11	like everybody else in that office.	
12	distress that you allege that you suffered?		12	It would be different if I were	
13	A. In France, yes; not in this		13	working in a factory back in Ohio or	
14	country.		14	Michigan. It's not that. And I am on Wall	
15	Q. Did your doctor prescribe you any		15	Street and everybody is well dressed so yes,	
16	medication for the emotional distress that		16	the injuries is to the soul.	
17	you were suffering?		17	Q. Why are you afraid of losing your	
18	A. No.		18	office?	
19	Q. Other than the emotional distress		19	A. Because everybody is professional,	
20	and the falling, are there any other injuries		20	well dressed up and energetic type of people	
21	or damages that you allege that you suffered		21	and I want to belong to that group of people.	
22	as a result of the alleged disability		22	Q. You're renting office space; is	
23	discrimination?		23	that correct?	
24	A. This is related, again, we go back		24	A. Yes.	
25	to the cleaning clothes. This is related to		25	Q. Do you have a lease for your	

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1	Rolande Cutner	246	1	Rolande Cutner	247
2	office?		2	say, oh, wait a minute, we call our, quote,	
3	A. No, I have an agreement with the		3	unquote, "in house counsel" and then call on	
4	owner of the company, KVB Partners. I have		4	the telephone, "Rolande, would you come."	
5	an agreement with them.		5	So I walk to the big conference	
6	Q. Now, are you claiming that if you		6	room, I am well dressed, my hair are fixed, I	
7	arrived at the office without clean clothes		7	have my makeup. I walk in, they say this is	
8	that they would do away with your agreement		8	a French specialist whatever, who is going to	
9	with them?		9	explain to you and I deliver an advice, a	
10	A. You bet they would.		10	legal advice on French law or New York law so	
11	Q. Why do you think that they would do		11	I deliver this advice.	
12	that?		12	If I arrive smelling bad, not	
13	A. Because in my office the two		13	fixed, dirty clothes, they would say,	
14	partners they call me -- let me give you an		14	"Rolande, you see the door, the door is over	
15	example, it's more easy if I give you a real		15	there and you immediately leave. We don't	
16	example:		16	need you."	
17	It's 10 o'clock in the morning,		17	Q. What kind of company is KVB?	
18	people coming from France, president of		18	A. It's tax preparers, financial	
19	corporation. They sit in the conference		19	adviser, accounting services. They provide	
20	room, they talk about the project and		20	also all kinds of services for foreign	
21	investment in New York or throughout America		21	corporation coming in New York.	
22	come up with a legal question.		22	Let me explain to you. A little	
23	Those presidents or vice presidents		23	bit complicated but I explain to you: Some	
24	are French, come up with a legal question and		24	corporations in Europe, they want to test the	
25	one of the partners at KVB Partners would		25	waters in New York. They don't want to enter	
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1	Rolande Cutner	248	1	Rolande Cutner	249
2	a lease for two years or five years or, you		2	Do they pay you for your services?	
3	know, whatever, because they want to test the		3	A. No, because I tell you, I have an	
4	waters. They going to make environment for		4	agreement that I am in this office and I	
5	six months so what they would do, they will		5	deliver, I mean I don't like to say free	
6	go to KVB, have an agreement to have an		6	legal advice because it's, how would you say	
7	office for six months, let's say, and they		7	a, how do you call this agreement when you	
8	work, or they invest or they look at the		8	change services -- I deliver legal services	
9	market for six months. Then if they		9	and in exchange they provide me with an	
10	understand that they product has no		10	office, telephone, fax, scanner, photocopier,	
11	possibility to develop in America, they go		11	conference room, desk, whatever. I mean,	
12	back to France. And the other way, if they		12	it's an exchange, you see?	
13	understand or see if the market is welcoming		13	Q. Do they also allow to you conduct	
14	their product, they will decide after six		14	your own personal business affairs such as	
15	months to maybe start on a bigger scale.		15	your work with your own clients in the office	
16	So it's very important for those		16	space?	
17	foreign corporations, it could be French,		17	A. Yes, and I would have the	
18	could be from Istanbul, whatever to have a		18	conference room to be able to receive my	
19	place for six months so KVB provide this		19	clients if I have clients. This conference	
20	place with legal advice, CPA accounting		20	room would be available to me after 5 o'clock	
21	advice, tax advice, advise them for six		21	because of those before they are using the	
22	months so they are very successful at that.		22	conference room but they say, "Rolande, you	
23	Q. You mentioned that they might		23	know you can have the conference room," which	
24	sometimes call you in to give legal advice to		24	is really great for me so I can entertain my	
25	some of their clients.		25	clients, and 5 o'clock is not that too late	

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1	Rolande Cutner	250	1	Rolande Cutner	251
2	into the evening.		2	financial damages as a result of the alleged	
3	Q. Are you alleging that you suffered		3	disability discrimination?	
4	any financial damages as a result of just the		4	A. On dollar and cent?	
5	disability discrimination?		5	Q. Have you had any?	
6	A. No. I allege that if I lose this		6	A. Yes. The answer is yes, I suffer	
7	agreement, I have no money to go and rent an		7	expenses.	
8	office anyplace in Manhattan because it's too		8	Q. What expenses?	
9	expensive so if I lose this agreement which		9	A. Let me tell you, it's better I tell	
10	we, I ask them, I said, "What do you think?"		10	you like a little story because it's the way	
11	And they would say, "Oh, it's \$2,000 a		11	my mind operate.	
12	month," for instance. So for one year it		12	At 4 o'clock, 3:30, the cleaners	
13	would be 2,000 that they provide me and I		13	lady called me, "Ms. Cutner, this again, my	
14	provide them. Understand?		14	delivery boy was turned away. Would you come	
15	It's a very nice agreement but if I		15	immediately because the delivery boy leaves	
16	were to be thrown out on the street tomorrow,		16	at 5:00. You have to be there at 4 o'clock	
17	I could not afford this conference room. I		17	and the" -- you know, "come and delivery boy	
18	could not afford your office. I could not.		18	will come with you."	
19	It's too expensive.		19	So what do I do, I rush uptown from	
20	Q. As of today, you're still there?		20	Wall Street, boom, and of course I have to	
21	A. They did not throw me out, yes.		21	take a taxi because, you know, it's too late.	
22	Q. As of today you haven't been thrown		22	I arrive before 5 o'clock, the lady	
23	out, as of today?		23	is there, the boy is there. We both walk	
24	A. Yes.		24	down and I am able to have my clothes.	
25	Q. As of today, have you suffered any		25	So, first of all, I have to leave	
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1	Rolande Cutner	252	1	Rolande Cutner	253
2	my office at 4 o'clock; second, I have to		2	and said, you know, "I have an emergency,"	
3	take a taxi because it's late and I have to		3	you know, "excuse me." I would work around	
4	rush and no money. I take the subway and		4	the schedule or the next day.	
5	because I am disabled, I have the \$1 subway		5	Q. Was there ever an instance where	
6	ride to go back to my hotel room and then I		6	you had to cancel an appointment and you were	
7	have \$22 of taxi because I have to rush.		7	not able to reschedule it?	
8	Q. Each time that you took a taxi from		8	A. Yes.	
9	your office on Broad Street to your building		9	Q. About how many times has that	
10	on the upper west side it would cost you \$22?		10	occurred?	
11	A. It's more or less. It's \$22, \$23.		11	A. Maybe two or three times because	
12	Generally it's 22.		12	the person was taking a plane to go back to	
13	Q. When you had to leave your office		13	Paris at 7 o'clock p.m. at Kennedy, could not	
14	at 4:00, did you ever have to cancel		14	come back or could not come back the next	
15	appointments?		15	day.	
16	A. Sometimes.		16	Q. And these two or three times you	
17	Q. When you cancel the appointments,		17	weren't able to reschedule, had the meeting	
18	were you able to reschedule them?		18	taken place, would you have been paid for the	
19	A. Sometimes. I would cancel just for		19	meetings?	
20	the time and I would say, "Excuse me, I have		20	A. Yes, I would charge consultation	
21	an emergency. I be back at 6:30." Because		21	fee.	
22	on the way back I would, you know,		22	Q. How much is the consultation fee?	
23	immediately go back to my office and tell the		23	A. \$375.	
24	client let's put back the appointment at 6:30		24	Q. If you missed three meetings, so	
25	or 7:00, and generally my client would agree		25	then would your damages be three times 375?	

<p style="text-align: right;">Page 254</p> <p>1                   Rolande Cutner           254</p> <p>2     A. Yes, I would say, reasonable.</p> <p>3     Q. Approximately how many times did</p> <p>4     you have to take the taxi instead of the</p> <p>5     subway to get to the cleaners?</p> <p>6     A. A lot. A lot of the times.</p> <p>7     Q. It was each time that the Lantern</p> <p>8     Group rejected the delivery that you would</p> <p>9     have to take a taxi?</p> <p>10    A. Yes, because what happens is that</p> <p>11    the lady at the Maxene Cleaners shop, she's</p> <p>12    nice and if she sends the boy at 2 o'clock in</p> <p>13    the afternoon, sometimes, you know, instead</p> <p>14    of calling me, she would say "let's try</p> <p>15    again" because also she would say "let's try</p> <p>16    again at 3:00," so she send back again the</p> <p>17    delivery boy and sometimes they accept it;</p> <p>18    sometime they turn it away again the delivery</p> <p>19    boy.</p> <p>20    It's, you cannot tell. There is no</p> <p>21    specific day but sometimes she would tell me,</p> <p>22    you know, "Ms. Cutner, I had to send three</p> <p>23    times the delivery boy before and then accept</p> <p>24    so I did not call you." So sometimes she,</p> <p>25    she really tried to help me. She, you know,</p>	<p style="text-align: right;">Page 255</p> <p>1                   Rolande Cutner           255</p> <p>2     send two, three times and she would call me</p> <p>3     willing, that also she told me, "I called</p> <p>4     you, I send my delivery boy two, three times</p> <p>5     they turn your delivery boy away and so I</p> <p>6     have to call you."</p> <p>7     Q. Would you say that you had to take</p> <p>8     a taxi once a month or more than that?</p> <p>9     A. More than that.</p> <p>10    Q. About once a week, would that be</p> <p>11    accurate?</p> <p>12    A. It depends. As I said, we would</p> <p>13    say, reasonably over the years, if we say</p> <p>14    once a month, it's more than that, you know,</p> <p>15    and but I cannot pinpoint of the time because</p> <p>16    I don't write it down in my book, you see,</p> <p>17    but let's be reasonable, at least twice a</p> <p>18    month. Be reasonable, being reasonable,</p> <p>19    twice a month.</p> <p>20    Q. I want you to take a look at the</p> <p>21    next page, Page 56.</p> <p>22    A. (Witness complies.)</p> <p>23    Q. You say in Paragraph 169, the fifth</p> <p>24    line of that paragraph, you say that such</p> <p>25    activities constitute a pattern and practice</p>
<p style="text-align: right;">Page 256</p> <p>1                   Rolande Cutner           256</p> <p>2     of discrimination targeting individuals on</p> <p>3     the basis of their ethnic origin; are you</p> <p>4     alleging that anyone other than you was</p> <p>5     targeted on the basis of their ethnic origin?</p> <p>6     A. I think I had a tenant talking to</p> <p>7     me who said that he was badly treated because</p> <p>8     he's an African from one of the countries,</p> <p>9     African countries, I don't know, I don't</p> <p>10    remember if it was Cameroon or I could not</p> <p>11    tell but he talked to me in French and he</p> <p>12    felt he has been badly treated. I have to</p> <p>13    recall but I remember the guy telling me</p> <p>14    that.</p> <p>15    Q. Do you recall his name?</p> <p>16    A. I have to look at my book. Right</p> <p>17    now I don't recall but if I look into my note</p> <p>18    maybe I find his name.</p> <p>19    Q. In what way did he tell you he was</p> <p>20    treated badly?</p> <p>21    A. I think that he said that because</p> <p>22    of ethnic origin like he was Cameroon or</p> <p>23    Mali, I mean, I cannot remember but it was an</p> <p>24    African country.</p> <p>25    Q. Did he say what the Lantern Group</p>	<p style="text-align: right;">Page 257</p> <p>1                   Rolande Cutner           257</p> <p>2     was doing to him that he felt was poor</p> <p>3     treatment?</p> <p>4     A. He did not elaborate but he was</p> <p>5     telling me he was treated badly.</p> <p>6     Q. Did anyone else ever tell you that</p> <p>7     they believe that they were treated badly</p> <p>8     because of their ethnic origin?</p> <p>9     A. I just remember this conversation</p> <p>10    with this young man and I'll try to find his</p> <p>11    name.</p> <p>12    Q. In what way do you believe that you</p> <p>13    were treated differently from other tenants?</p> <p>14    A. Also, you know, let's talk about my</p> <p>15    accent because I have a French accent so I</p> <p>16    can pronounce the T-H, it goes like a Z.</p> <p>17    It's difficult for me. Also, the R because a</p> <p>18    French R is, for instance, if I say "where is</p> <p>19    the rest room people," don't understand what</p> <p>20    I say. I have to say "where is the ladies</p> <p>21    room" because if I say rest room because of</p> <p>22    the French R, people don't understand me.</p> <p>23    And this guy, I believe from the</p> <p>24    Lantern Group, Felix, I think his name is</p> <p>25    Felix, he always mimic my accent and make me</p>

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1	Rolande Cutner	258	1	Rolande Cutner	259
2	feel bad regarding the fact that I cannot		2	specifically because I am an American citizen	
3	pronounce Z. He would say "go Z" to mimic my		3	and it's not a reason because I am, I have an	
4	accent.		4	accent and I can't pronounce the T-H and I	
5	Q. And on how many occasions did Felix		5	pronounce it Z that I should receive unsubtle	
6	mimic your accent?		6	remarks of "why don't you return to your own	
7	A. Well, I remember two times that I		7	country." That, I don't accept that.	
8	really was furious but maybe other times or		8	Q. I believe you testified last time	
9	he was laughing, you know, and I know, I		9	that it was a security guard that said that	
10	mean, the French accent is maybe laughable.		10	to you; is that correct?	
11	He was laughing uncontrollably because I was		11	A. Yes, yes.	
12	so mad and, of course, I do understand that		12	Q. Do you recall what the security	
13	the French accent can make people laugh but		13	guard who said that to you looked like?	
14	to me is, again, regarding humiliation. What		14	A. No.	
15	I'm trying to say is that he was not mean, he		15	Q. On how many occasions did a	
16	was, quote, unquote, he was just laughing,		16	security guard say to you, "Why don't you	
17	laughing at me or at my accent, to be fair.		17	return to your own country?"	
18	I'm trying to be fair.		18	A. Once.	
19	Q. Is there any other way in which you		19	Q. Other than what you've testified	
20	allege that the Lantern Group treated you		20	to, is there any other way in which you	
21	differently because of the fact that you are		21	believe that the Lantern Group discriminated	
22	French?		22	against you because of the fact that you're	
23	A. Yes. You know, they would say,		23	French?	
24	"Why don't you return to your own country,"		24	A. I would say, say it's the accent.	
25	that I remember. I was humiliated,		25	This is only specific. I recall it would be	
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1	Rolande Cutner	260	1	Rolande Cutner	261
2	that in my memory.		2	pocket, I would say.	
3	Q. Is there any other way in which		3	Q. Is the mental anguish the same	
4	other than what you've already testified to,		4	mental anguish you already testified about?	
5	is there any other way in which you feel you		5	A. Yes.	
6	were treated differently from the other		6	Q. What about the deprivation of civil	
7	tenants in the building?		7	rights, is there anything other than that you	
8	A. Yes, I mean, you know, the fact		8	already testified that you believe was a	
9	that they make fun of my accent, nobody has		9	deprivation of your civil rights?	
10	the heavy accent that I have, so of course I		10	A. Yes. I have my newspaper delivery,	
11	felt totally treated differently because of		11	we did not talk about that but this is my	
12	that.		12	right to have my newspaper delivered and	
13	Q. On the next page in Paragraph 171		13	especially it is the New York Law Journal.	
14	you say that as an approximate result of the		14	Now it is delivered, the New York Law Journal	
15	discriminatory actions because of your		15	is delivered to me. I could not have it	
16	national origin you suffered economic loss;		16	delivered. It was thrown on the street and	
17	what was the economic loss that you suffered?		17	finally, I ask my office to have permission	
18	A. This, maybe I use the wrong word		18	to have it delivered into my office. But why	
19	but this is the, you know, the losses I spend		19	I cannot have my newspaper delivered at my	
20	this money in taxis that I would not spend if		20	room or in the hallway, you know, why not?	
21	it were not in this situation. I would take		21	Why do I have to have delivery in my office?	
22	the subway. I would never take a taxi.		22	And same thing goes also for	
23	Q. So it's the same that you already		23	Federal Express. I mean, let's say Federal	
24	testified about, the same economic damages?		24	Express, newspaper, the New York Law Journal,	
25	A. Yes. It's money coming out of my		25	the cleaners, you know, I arrange all with my	

<p style="text-align: right;">Page 262</p> <p>1                   Rolande Cutner           262  2 office except for the cleaners. I'm not  3 going to deliver the cleaners at the office  4 but the newspaper I arrange to have delivered  5 at my office. The Federal Express I arrange  6 to have delivered at my office except, for  7 instance, I lost my Metro card so I went to  8 Stone Street and I gave the MTA, a  9 representative, the address in my office and  10 the representative said to me, "no, no, no.  11 We want your address in your home" so I gave  12 the address 319 West 94th Street, Room 341  13 and every day I'm asking, "Did you receive  14 this letter from the MTA, I need my card,  15 it's very important." Because the MTA said,  16 "We'll send the card to the residence, not to  17 office." And I wait and wait and wait and  18 wait and wait and wait. Never arrive.  19                   So I had to go back to the MTA and  20 I said, "send it again." So we send it a  21 second time and every morning I would tell  22 the security guard, "make sure," you know,  23 "my card is going to arrive." And finally  24 the card arrived and I was able to have it  25 but, I mean, but why do you have to go</p>	<p style="text-align: right;">Page 263</p> <p>1                   Rolande Cutner           263  2 through all this headache for a simple civil  3 right that any New Yorker in all New York has  4 a right to have the mail delivered normally  5 and the newspaper delivered normally? This  6 is my complaint.  7                   Q. Now, with regard to the newspaper,  8 was delivery of the newspaper rejected or was  9 it that the newspaper was delivered to the  10 building but at some point after it was  11 delivered, the newspaper got lost or  12 something along those lines?  13                   A. I think the newspaper issue was  14 rejected by the security guards.  15                   Q. Why do you believe that it was  16 rejected?  17                   A. Because I called the New York Law  18 Journal to complain and they said that they  19 talked to the delivery services and that at  20 the building they were always rejected or  21 turned out, whatever so they say, "well, we  22 tried, Ms. Cutner, we tried to deliver but  23 our guy is rejected or the paper is thrown on  24 the street," I mean, "so we stopped."  25                   So they stop to deliver at this</p>
<p style="text-align: right;">Page 264</p> <p>1                   Rolande Cutner           264  2 address because of that and then I said,  3 "Don't worry, you can deliver at my office."  4 It was that type of conversation.  5                   Q. What do you mean when you say that  6 it was thrown in the street?  7                   A. Because I asked, "Where is my  8 newspaper?" They say, "I don't know."  9                   Q. Who threw it in the street?  10                  A. I don't know, I don't know. I ask.  11                  I ask.  12                  Q. How do you know that it was thrown  13 in the street, did you see it in the street?  14                  A. No. If it went in the street I  15 would have picked it up.  16                  Q. Was it that the delivery boy was  17 told you cannot leave this paper there or was  18 it that the delivery boy would leave it and  19 then someone would throw it out?  20                  A. I think, but again, I did not  21 witness the incident, but I think the  22 security guard would turn away the delivery  23 boy for the newspaper. But I think because I  24 was not a witness.  25                  Q. Do you recall who you spoke to at</p>	<p style="text-align: right;">Page 265</p> <p>1                   Rolande Cutner           265  2 the New York Law journal that told you?  3                   A. No, no. I just spoke on the  4 telephone and themselves say first, "wait, we  5 are going to investigate." And they did  6 investigate with their own system of delivery  7 in this neighborhood that I told them to call  8 me the next day or something like that  9 because themselves, they did not know what's  10 going on with the delivery.  11                  Q. And where did you get the phone  12 number to call New York Law Journal?  13                  A. On the paper.  14                  Q. Was there a specific department  15 that you had to call, like description  16 services or something like that?  17                  A. I think I call the general number  18 and they would dispatch you to whoever is in  19 charge of delivery for the subscriber, I  20 think.  21                  Q. Did this continue after the package  22 handling policy that is marked as Exhibit C?  23                  A. Let me look at the date.  24 September 10th. It was before because at  25 that time on September 10th I arranged to</p>

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1	Rolande Cutner 266	1	Rolande Cutner 267
2	have my newspaper delivered to my office so	2	to be delivered in my office.
3	it must have been between January to during	3	Q. Do you recall whether you already
4	that period of time probably because I	4	arranged for your Fed Exes to be delivered to
5	remember I arranged to have it delivered.	5	your office?
6	I was so upset because, you know,	6	A. No, no, not that particular date.
7	the newspaper is so expensive and it's an	7	Q. No, you don't recall or no, it
8	important tool for my work, you see, and	8	happened after September 10th?
9	every day -- I have to read it every day so	9	A. We are talking about what, now?
10	it's an expensive newspaper and I was very	10	Q. The Fed Exes.
11	upset.	11	A. No, I don't recall.
12	Q. I just want to clarify: At the	12	Q. Were your Fed Exes rejected or were
13	time of the date listed on Exhibit C,	13	they just lost or damaged once they were
14	September 10, 2007, you were already	14	delivered?
15	receiving your New York Law Journal at your	15	A. I think they were rejected and I
16	office?	16	had, yes, I remember not only FedEx but UPS
17	A. Yes, yes. I already because we had	17	and that I remember I had to go to the UPS to
18	this business dispute before September 10th,	18	take my packages. That I remember. I went
19	yes.	19	to the UPS center. That I remember
20	Q. At the time of this package	20	specifically that, yes.
21	handling policy, September 10, 2007, were you	21	Q. On how many occasions were you
22	already receiving your Fed Exes at your	22	FedEx or UPS packages rejected?
23	office as well?	23	A. Well, let's take from the January
24	A. No, at that particular time I know	24	2007 until let's take until the
25	for sure that I already arrange my, my paper	25	September 10th, I went maybe two or three
Page 268		Page 269	
1	Rolande Cutner 268	1	Rolande Cutner 269
2	times.	2	remember having one of your packages
3	Q. Do you recall whether a signature	3	rejected?
4	was required for the packages?	4	A. In April.
5	A. Well, when I went to the center, I	5	Q. April of '07?
6	signed, yes, and I even had my passport.	6	A. 2007, yes; it was the UPS.
7	That I remember. I had my passport and I	7	Q. When did the Metro card incident
8	signed because I want -- because you	8	occur?
9	understand that I don't drive because of my	9	A. That was in November 2007 but not
10	disease so I don't have driving license.	10	sure. I have to verify but probably November
11	However, I have a passport so I would present	11	2007.
12	myself with a passport and say "yes, I am	12	Q. Did you ever learn why you didn't
13	Rolande Cutner" and I sign and pick up my	13	receive the first Metro card in the mail?
14	packages and my UPS boxes, whatever but now,	14	A. I went to complain to the MTA on
15	I have everything at the office. I learned	15	Stone Street and they said no, no, no, it's
16	my lesson.	16	not our fault. We have sent the Metro card
17	Q. When was the last time you had a	17	to your residence address. This is the rule
18	UPS or FedEx package rejected?	18	and they said they had sent it.
19	A. Probably, let's say, maybe April	19	Q. Did they have any record of your
20	2007 or, I mean, I cannot pinpoint the exact	20	Metro card being rejected or withdrawn?
21	date but it's between the period January to	21	A. Probably what we could do is to ask
22	the Summer.	22	MTA when was it that I had it renewed because
23	Q. January of 2007?	23	probably they know that through the MTA
24	A. Yes.	24	office they know that because I remember this
25	Q. When was the first time you	25	discussion about whether or not I could have

<p style="text-align: right;">Page 270</p> <p>1                   Rolande Cutner           270</p> <p>2 delivery to my office and they said "no, no, 3 no. It has to be your residence," so maybe 4 if you would ask MTA they probably have that 5 in their archive. I mean, because I remember 6 they told me, "we send it to your residence." 7 It was adamant. The representative was 8 adamant.</p> <p>9                   Q. Did the representative say whether 10 the Metro card had actually been delivered to 11 your residence or just that he sent it?</p> <p>12                  A. He said it sent it to my residence.</p> <p>13 That was a rule. That's what he said. I 14 follow the rule because I said "send it to my 15 office." He said "no, this is the rule. 16 It's a residence." So what can you do?</p> <p>17                  Q. Other than what you've already 18 testified to, is there any other way in which 19 you believe your civil rights have been 20 violated other than what you've already told 21 me about?</p> <p>22                  A. I mean to me the delivery dispute 23 is so important; it is the newspaper, 24 packages, FedEx. It's my life so on that 25 particular light I would say, say my civil</p>	<p style="text-align: right;">Page 271</p> <p>1                   Rolande Cutner           271</p> <p>2 right, the right to live in society and 3 receive your mail at your residence has been 4 violated.</p> <p>5                   Q. You also referenced the prospective 6 loss of your room in the SRO hotel; in what 7 way, other than what you've testified to last 8 time, is there any other reason why you 9 believe that you were faced with prospective 10 loss of your room?</p> <p>11                  A. Yes.</p> <p>12                  Q. Why do you believe that you were 13 faced with the loss of your room?</p> <p>14                  A. Because being a permanent tenant in 15 the SRO I pay \$500 every months and that 16 amount of money I can pay. Now, I know the 17 Lantern Group said "don't worry, we renovate 18 the building and you will have a studio and 19 you go under rent stabilization law so 20 Ms. Cutner, don't worry."</p> <p>21                  That's the position of the Lantern 22 Group and I said wait a minute, because if I 23 have a lease with the Lantern Group, right 24 now, I don't have a lease, I am a permanent 25 tenant, if I have a lease, the lease will be</p>
<p style="text-align: right;">Page 272</p> <p>1                   Rolande Cutner           272</p> <p>2 one year and after one year, if the Lantern 3 Group say out, we don't give you a lease 4 after one year, I be thrown on the street 5 because I cannot pay more than \$500 a month 6 and I am terrified of that because the lease 7 will be contractual and if the Lantern Group 8 say "Ms. Cutner, we don't renew your lease," 9 how am I going to find a studio for \$500. I 10 don't know, I'm scared because if the Lantern 11 Group give me a lease, it will be a one-year 12 lease and then they can always decide you are 13 out and I want to point out this because this 14 scare me.</p> <p>15                  Let's look at Exhibit C: "Note, 16 this policy is currently applicable and 17 management reserves the right to revise or 18 change it as appropriate upon the review."</p> <p>19                  This sentence is very scary to me. 20 Let me explain to you why. Because the 21 Lantern Group always renege, always has been 22 my experience that they renege on the 23 agreement and they always say, the Lantern 24 Group say, "I reserve the right to change the 25 policy" and if they give me a lease for one</p>	<p style="text-align: right;">Page 273</p> <p>1                   Rolande Cutner           273</p> <p>2 year, they would say "Ms. Cutner, you knew 3 that, we reserve the right to change," "Whop, 4 boom."</p> <p>5                   Q. This note is with regard to the 6 package handling policy; is that correct?</p> <p>7                  A. Yes, yes but it is always the same 8 thing with different instances and I have to 9 look into my file but it's always the fact 10 that the Lantern Group say yes and then they 11 reserve the right to change and that is 12 scary. It's a very scary.</p> <p>13                  Q. Who from the Lantern Group told you 14 that after the renovation you would have a 15 lease instead of being a permanent tenant?</p> <p>16                  A. I think the Lantern Group issue and 17 again, I don't have my file in front of me, 18 but the Lantern Group issue a policy and say 19 "don't worry to the permanent tenants" not 20 only me but I believe they say "don't worry. 21 When the renovation will be completed you 22 will have a lease." I believe and again, I 23 have to look into my file but I think the 24 Lantern Group at one point says that to 25 everybody, "you will have a lease."</p>

		Page 274	Page 275
1	Rolande Cutner	274	Rolande Cutner 275
2	Q. Did anyone from the Lantern Group		Felix or the other guy, this Mr. Chabab,
3	ever tell you that your lease might not be		3 C-H-A-B-A-B, I think is the one, either Felix
4	renewed at the end of the leased term?		4 or this Mr. Chabab one day said, "Well, you
5	A. You mean talking to?		5 have to move to the Huntermoon building to be
6	Q. Yes.		6 relocated." It's some kind of sentence like
7	A. No. I read it in, as I said, I		7 that to be relocated to the Huntermoon
8	read it in this policy and again, I don't		8 building which belong to the Lantern Group.
9	have the paper in front of my eyes but		9 Q. The relocation of Huntermoon was
10	according to my memory, I am looking at "we		10 for while the renovations were taking place;
11	reserve the right to change the policy" and I		11 is that correct?
12	immediately start to feel because of that		12 A. I understood that.
13	sentence, you see.		13 Q. Did they ever tell you that you
14	Q. Do you still have a copy of this		14 wouldn't be moved back to St. Louis Hall
15	policy that was given out?		15 after the renovations were completed?
16	A. I have to look. I don't know. I		16 A. That I have to look at this paper
17	have to look through my file.		17 because I think they say then you go back to
18	Q. I'm going to ask for the production		18 the St. Louis Hotel which is going to be a
19	of the policy that you just referred to.		19 studio apartment. I think it says that in
20	A. If I find it, I send it to you.		20 the policy but I don't recall exactly but I
21	Q. Did anyone at the Lantern Group		21 think it says that, "You move to the
22	ever tell you that you might lose your room?		22 Huntermoon and then after you go back to the
23	A. It was at one point if my memory is		23 hotel."
24	correct, I don't know if it is Felix or this		24 MS. HOLTZER: I'm going to
25	lady Harriet Cohen, I don't remember, or		25 have this mark as Exhibit D.
		Page 276	Page 277
1	Rolande Cutner	276	Rolande Cutner 277
2	(One-page document was		2 and 11 temporary tenants and 85 vacancies; do
3	marked Defendants' Exhibit E		3 you see where it says that?
4	for identification, as of		4 A. Fifty-three permanent tenants, is
5	this date.)		5 that where you are looking?
6	Q. Ms. Cutner, I'm going to you what		6 Q. Yes.
7	has been marked as Exhibit E (handing).		7 A. I see.
8	Have you ever seen this document		8 Q. There are more vacancies in the
9	before?		9 building than actual tenants; is that
10	A. I don't recall but no, I don't		10 correct?
11	recall.		11 A. I don't know.
12	Q. Is this the policy that you were		12 Q. It says there that there are 85
13	just referring to?		13 vacancies and there are 64 people living in
14	A. No, it's not, no, because the one I		14 the building?
15	recall it was a question that we would be		15 A. Right.
16	moved to the Huntermoon building which also		16 Q. Isn't it correct that there are
17	belonged to the Lantern Group and I don't see		17 more vacancies than there were tenants in the
18	it. I don't see it here but if I find the		18 building?
19	paper, I certainly show it to you.		19 A. I don't know that because, as I
20	Q. This document was provided to us		20 said, there is a lot of the, on the elevator,
21	along with your automatic disclosures so you		21 of Mexicans going up and down, going up and
22	had provided us with this document; do you		22 down. My answer is I don't know if there are
23	see where it says what is there now?		23 85 vacancies.
24	A. Point 1, Section 1.		24 Q. Do you have any reason to believe
25	Q. Is says that 53 permanent tenants,		25 that there are less than 85 vacancies?

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1                   Rolande Cutner      278	1                   Rolande Cutner      279
2           A. I have no idea for the number	2           vacancies in the building contribute to some
3    because I see people up and down the	3   of their financial difficulties?
4   elevator.	4   A. I have no idea.
5           Q. Do you have any reason to believe	5   Q. If an apartment is vacant, doesn't
6    that there are more than 11 temporary	6   that mean they cannot collect rent for that
7   tenants?	7   apartment if no one is living there?
8    A. Again, I don't know.	8   A. I don't know. I did not look at
9    Q. Do you have any reason to believe	9   their balance sheet. I did not look at their
10   that there are more than 53 permanent	10   accountings proceeding. I don't know. I
11   tenants?	11   don't know.
12   A. That number I don't know because I	12   Q. Well, if a room is empty, you know,
13   talked to some tenants who said to me I am a	13   if no one is living in a particular room,
14   permanent tenant so when I talk to them and	14   doesn't that mean that there's nobody there
15   they say I am a permanent tenant, I say okay	15   to pay rent for the room?
16   but I cannot say I did not, you know, count	16   A. Well, if they have a illegal
17   53. I don't know what my answer is. I don't	17   Mexican immigrants living there and paying
18   know.	18   cash, they can say that we have a vacancy and
19   Q. Now, you testified previously at	19   it is not true so I don't know what the
20   your first deposition that a representative	20   reasoning is. I don't know.
21   from the Lantern Group had told you that the	21   Q. Well, do you have any reason to
22   building had some financial difficulties; is	22   believe that there were 85 vacancies in the
23   that correct?	23   building?
24   A. Yes.	24   A. As I said, I don't know. I see a
25   Q. Wouldn't the fact that there are 85	25   lot of the people go going up and down the
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1                   Rolande Cutner      280	1                   Rolande Cutner      281
2   elevator who are Mexican, who don't speak a	2   said, "Well, if you were paying your
3   word of English and if I talk to them in	3   rent," -- no.
4   Spanish because I know two or three words,	4   I confront him because of the
5   they would answer me in Spanish so the only	5   terrible state of the building -- no repairs,
6   thing I can say, they were up and down the	6   C violation, whatever, and he said, Well, if
7   elevator so they probably live there.	7   you were paying your rent, we would not be in
8   Q. And couldn't they be one of the 11	8   this terrible situation."
9   temporary tenants or one of the 53 permanent	9   And I said, "What, I pay my rent
10   tenants?	10   every month." I mean, I pay every six
11   A. I have no idea.	11   months. I deliver \$3,000. "Don't tell me
12   Q. But if a room is vacant and there's	12   that I don't pay my rent."
13   nobody living in the room, doesn't that mean	13   Q. You testified previously that you
14   that the Lantern Group isn't collecting rent	14   don't know whether the other tenants were
15   for that room?	15   paying their rent?
16   A. Yes, but I don't know. I have no	16   A. Yes, I don't know about that.
17   way to know their accounting records but I	17   Q. Do you see under the bullet where
18   know that I confront, what is his name, Rafal	18   it says all 53 existing tenants, do you
19   Markwat.	19   understand that to mean all the 53 tenants
20   Q. Mr. Markwat?	20   above?
21   A. M-A-R-K-W-A-T, that's his name, I	21   A. I understand.
22   confronted.	22   Q. Does it indicate the Lantern Group
23   Q. What did you say to him when you	23   intends for you to still live there after the
24   confronted him?	24   renovation?
25   A. That was because at one point he	25   A. I say that it reflect that but for

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1	Rolande Cutner	282	1	Rolande Cutner	283
2	one year.		2	complaint.	
3	Q. Where does it say for one year?		3	Now, in Paragraph 173, you said	
4	A. It will be a lease, this is what I		4	that the Lantern Group knowingly and	
5	understood. It will be a one-year lease.		5	intentionally made false statements and	
6	Q. So it's your understanding that it		6	admissions of material fact to you regarding	
7	was for a term?		7	the future development of the SRO; what false	
8	A. Yes, it was my understanding that		8	statement do you allege they made to you?	
9	it was one-year lease, right. Let's say		9	A. Because they say that they will	
10	that. That is what I understood.		10	renovate that at the beginning in 2000, in	
11	Q. Then do you see where it says		11	March 2006 they say we be renovating, you	
12	Point 6, "how the renovation plan will impact		12	know, the rooms and the building and they did	
13	current tenants?"		13	nothing. They said, "Don't worry, we will	
14	A. Point 6, "how the renovation plan		14	renovate," you know, "and everything will be	
15	will impact current tenants."		15	beautiful." And nothing happened.	
16	Q. And up the first bullet point it		16	Q. Do you know whether they still plan	
17	says that "tenants will be moved within the		17	to renovate the building?	
18	building and a minimum of seven tenants will		18	A. I don't know that.	
19	be relocated to a nearby building."		19	Q. Do you know whether the Lantern	
20	Is that what you are referring to		20	Group has taken any steps towards renovating	
21	that you spoke with one of the tenants and		21	the building?	
22	you were told you would be relocated to		22	A. Nothing that I see but I don't	
23	Huntermoon?		23	know.	
24	A. Oui, oui. Yes, yes.		24	Q. Do you know if they have looked for	
25	Q. I want to go back to Exhibit A, the		25	any contractors or anything along those	
Page 284			Page 285		
1	Rolande Cutner	284	1	Rolande Cutner	285
2	lines?		2	this building so every day up and down the	
3	A. I don't know. I have no idea.		3	elevator I meet Mexicans and, to me, how is	
4	Q. Do you know if at the time that		4	the Lantern Group pack this building with	
5	they first mentioned the renovation in March		5	Mexicans, whether they are illegal or not, I	
6	of 2006, do you know if at that time they		6	don't know, but why they would pack people	
7	believed that they would not actually be		7	when at the same time they say we are going	
8	renovating the building?		8	to renovate? Doesn't make sense so in that	
9	A. I don't know.		9	particular way I would say they tell lies,	
10	Q. Do you know whether this was an		10	they tell anything. Who knows what, what's	
11	intentionally false statement that they made		11	going on. I would say, you know, because	
12	in 2006?		12	they pack the building with those people.	
13	A. Oh, yes, I believe. I believe it		13	Q. So your basis for believing that	
14	was not true. I believe it was false.		14	the Lantern Group did not intend to renovate	
15	Q. Why do you believe that it was		15	the building is because they packed the	
16	false?		16	building with the Mexican residents; is that	
17	A. Because they did nothing and they		17	correct?	
18	pack the building with those, quote, unquote,		18	A. That was one of my understanding or	
19	illegal Mexican immigrants, whatever; let's		19	beliefs.	
20	say Mexican because when I talk to them in		20	Q. Do you have any other reason to	
21	the elevator in Spanish and I said from what		21	believe that the Lantern Group did not intend	
22	country are you from and they say, "I am from		22	to renovate the building?	
23	Mexico."		23	A. No, it was related to all this wave	
24	Let me explain. It's why I felt it		24	of Mexicans coming and with their lamp and	
25	was misrepresentation because I am living in		25	their bed and the elevator was, you know,	

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1 Rolande Cutner 286  
 2 with a lot of the those people coming in with  
 3 their belongings. It was like a, we use the  
 4 word "exodus," you know what I mean, exodus  
 5 with their lamp and their luggage and, you  
 6 know, like an exodus. I would use this word.

7 Q. Now, other than the statement in  
 8 March of '06 that the Lantern Group was going  
 9 to renovate the building, are there any other  
 10 statements by the Lantern Group that you  
 11 allege were false?

12 A. Well, I would say, you know, that  
 13 that was the main statement that I understood  
 14 was false.

15 Q. Can you recall any others, other  
 16 than what you've already testified to?

17 A. I cannot recall.

18 Q. You also referenced omissions of  
 19 material fact; are you also referring to the  
 20 March '06 statement regarding the renovation  
 21 here?

22 A. Yes, yes. It was all, I would say,  
 23 a pattern. Let me use the word, it was a  
 24 pattern to me. It was illogic that you tell  
 25 "Oh, I am demolishing the building, I am

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1 Rolande Cutner 287  
 2 going to renovate" and then you see this  
 3 wave, this exodus of people with their  
 4 luggage and their lamp going into the  
 5 building. To me, it did not make sense.

6 Q. In Paragraph 174 you say that you  
 7 relied on the statements and omissions; in  
 8 what way did you rely on their statement that  
 9 they were going to renovate the building?

10 A. Because, you know, if were true  
 11 that they would renovate quickly the building  
 12 and that we would have a nicer environment to  
 13 live, you know, if it were true, then it  
 14 would have been all right but very quickly I  
 15 was under the impression that they were  
 16 telling lies so that was my feeling, my  
 17 impression.

18 Q. You also alleged that you suffered  
 19 damages as a result of your reliance on their  
 20 statement; what damages did you suffer?

21 A. Yes, because, you know, if you are  
 22 in this situation that you cannot, you  
 23 believe you are going to live in a nice  
 24 environment then you don't make, how would  
 25 you say, program to look for another

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1 Rolande Cutner 288  
 2 apartment, for instance, or to decide, you  
 3 know, where to go to live or whatever to make  
 4 a plan for your immediate future because you  
 5 believe what they say at the very beginning  
 6 and then so then maybe, you know, you would  
 7 lose an apartment at the same price and you  
 8 know a thousand in Manhattan, how the price  
 9 is going up and so you lose your apartment to  
 10 maybe rent at 500 some place else and then  
 11 it's increasing in the rent, in this  
 12 neighborhood and then you lose your apartment  
 13 so then it's lost. It's going to be closed I  
 14 would say.

15 Q. Was there any point from March 2006  
 16 where you learned of another place where you  
 17 could have rented for 500 a month?

18 A. At the beginning I did not look  
 19 because I figure it's going to be a quick  
 20 renovation and I can stay there so I did not  
 21 look but maybe I should have at that time  
 22 looked. I don't know. I did not. I did not  
 23 look. I did not look.

24 Q. Did there come a time where you did  
 25 start looking for another apartment?

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1 Rolande Cutner 289  
 2 A. Well, during the year 2007 the  
 3 situation was so terrifying and upsetting to  
 4 me that I was looking to find something at  
 5 500 in Manhattan because for two reasons:  
 6 Since I am disabled, I don't want  
 7 to be in Harlem, in Washington Heights, in  
 8 the Bronx, in Brooklyn, in Queens because of  
 9 the fatigue. I have to be in Manhattan and I  
 10 could not find for \$500 in Manhattan.

11 Q. Do you have any reason to believe  
 12 that had you looked in March 2006 you might  
 13 have found something for 500 a month in  
 14 Manhattan excluding Harlem and Washington  
 15 Heights?

16 A. Maybe, maybe.

17 Q. Other than what you've already  
 18 testified to, were there any other damages  
 19 that you suffered as a result of your  
 20 reliance on the Lantern Group's statements  
 21 about renovation?

22 A. No. I am talking about finding  
 23 another place to live for \$500, you know.

24 Q. On page 58 you say that the Lantern  
 25 Group made false and misleading statements

1 Rolande Cutner 290  
 2 with regards to violations of New York City  
 3 council local law and the New York City  
 4 administrative code; who do you allege they  
 5 made the false statements to?  
 6 A. Well, I would say I recall a  
 7 conversation with this manager Rafal Markwat  
 8 and again, you have to understand it's a  
 9 confrontation situation and I probably, I  
 10 don't remember the exact wording but the  
 11 substance of the conversation is, if I may  
 12 testify to that, substance of the  
 13 conversation I was telling him "you are  
 14 harassing me, you are, you do harassment.  
 15 You harass people like me." And I don't  
 16 remember exactly the words but the substance  
 17 is, "you will never get a certificate of non  
 18 harassment." I said that to him in a  
 19 confrontation, "you will never get a  
 20 certificate of non harassment" and he answer,  
 21 "ha, I don't need to obtain" or he says  
 22 owner. I mean, I could not say the exact  
 23 words understand but the substance of that,  
 24 "I don't need it" or the owner don't need it.  
 25 "The owner is a non for profit corporation,

1 Rolande Cutner 291  
 2 lady." So that cut me cold. I am telling  
 3 you.  
 4 So what I did, I went and this is  
 5 why I notice administrative code because you  
 6 know, I said okay, maybe I am, I am going to  
 7 look at the code. So I went to the New York  
 8 law library, I look at the code and I see,  
 9 you know, that the non for profit  
 10 organizations there is a waiver they don't  
 11 have to obtain a certificate of non  
 12 harassment so the owner did not have to  
 13 obtain a certificate of non harassment so in  
 14 that particular sentence Rafal was right, he  
 15 said, (impersonating), "we don't need to  
 16 obtain a" -- meaning the owner doesn't need  
 17 to obtain a certificate of non harassment.  
 18 So at that particular point he was right and  
 19 I said, "This is incredible. It has a  
 20 waiver. That's incredible."  
 21 And then I said to myself maybe  
 22 he's telling me that to quiet me down but  
 23 maybe the owner is not a non for profit  
 24 corporation so it start from there that I  
 25 start to question the legal status. It start

1 Rolande Cutner 292  
 2 from this conversation.  
 3 Q. The false and misleading statement  
 4 that you are referring to in Paragraph 178,  
 5 is that the statement Rafal made to you that  
 6 you're referring to?  
 7 A. I would say when he said to me, "I  
 8 don't need to obtain a, obtain of certificate  
 9 of non harassment," I understood because they  
 10 were a non-for-profit organization, you see.  
 11 Q. What is the false and misleading  
 12 statement that you're alleging that the  
 13 Lantern Group made?  
 14 A. Because if they are not a  
 15 non-for-profit organization then if they  
 16 don't have the statutes, they don't have the  
 17 waiver, you know, they have to obtain a  
 18 certificate of non harassment.  
 19 Q. Then are you alleging that the  
 20 false and misleading statement was made to  
 21 the City, who are you saying that the false  
 22 and misleading statement was made to?  
 23 A. New York City to me.  
 24 Q. And do you have any reason to  
 25 believe that the Lantern Group is not a non

1 Rolande Cutner 293  
 2 profit?  
 3 A. This is a tricky situation because  
 4 the Clover Developing Corporation lost the  
 5 status of non profit organization and they  
 6 purchased the building and they lost their  
 7 status.  
 8 Q. Do you know when they lost their  
 9 status?  
 10 A. I think they lost it in 1996 but  
 11 again, I don't have my file. Again, I have  
 12 to look.  
 13 Q. Do you know whether the Lantern  
 14 Group ever lost their non profit status?  
 15 A. I don't know. I don't know. I  
 16 have to look at the file.  
 17 Q. As far as you know, is the Lantern  
 18 Group recognized as a non profit  
 19 organization?  
 20 A. I don't know.  
 21 Q. Do you have any reason to believe  
 22 that the Lantern Group is not recognized as a  
 23 non profit corporation?  
 24 A. Again, I don't know. I have to  
 25 look at my file.

	Page 294		Page 295
1	Rolande Cutner 294		
2	Q. You say that you reasonably relied		
3	on the statement that the Lantern Group was a		
4	non profit organization; in what way did you		
5	rely on the statement?		
6	A. Rafal told me that; Rafal Markwat.		
7	Q. You also allege that you suffered		
8	damages; what damages did you suffer as a		
9	result your reliance on Rafal's statement?		
10	A. Because as I said, if they were non		
11	profit organization -- no, let me put it --		
12	they are non profit organization and they		
13	harass people.		
14	Q. Are you alleging that the damage		
15	that you suffered was the harassment that you		
16	already testified about?		
17	A. Yes, yes.		
18	Q. Are you alleging that you suffered		
19	any financial damages as a result of your		
20	reliance on or filling a statement about being		
21	a non profit?		
22	A. I would say that the damages is the		
23	one that I already testified to.		
24	Q. Regarding the apartment search,		
25	which damages are you referring to, the taxi?		
	Page 296		
1	Rolande Cutner 296		
2	you buy?		
3	A. Well, you have it on your, you		
4	know, I don't have it in front of me. You		
5	have it. You have the --		
6	Q. Interrogatories?		
7	A. I think if you look into your file		
8	you'll find it.		
9	Q. Other than the money that you spent		
10	to buy the insect products and the damages		
11	that you've already testified about, are		
12	there any other financial damages that you		
13	allege that you suffered because of Rafal's		
14	statement that the Lantern Group is a non		
15	profit?		
16	A. No, I don't recall.		
17	Q. I'm going to direct you to the next		
18	page, Page 59. You say that the Lantern		
19	group violated your rights to minimize the		
20	hardship of your relocation; what hardships		
21	have you suffered because of the relocation?		
22	A. I don't understand the question.		
23	Q. You say that you bring this action		
24	seeking injunctive relief damages and cost		
25	against the Lantern Group for violation of		
	Page 297		
1	Rolande Cutner 297		
2	Cutner's rights to minimize the hardship of		
3	her relocation during the renovation of her		
4	room; what are you referring to in that		
5	statement?		
6	A. The same thing. I mean, the same		
7	damages that I indicated before.		
8	Q. So the hardships that you're		
9	referring are the hardships that you already		
10	testified about?		
11	A. Yes, yes.		
12	Q. When you say that the Lantern Group		
13	is in reality a private developer, what is		
14	your basis for this allegation?		
15	A. I think somebody told me I was -- I		
16	repeat some of the statements from the other		
17	permanent tenants like for instance Mr. Chris		
18	Santee was one of the permanent tenants who		
19	would tell me things like that because he has		
20	been also very upset and looking into the		
21	Lantern Group, I believe.		
22	Q. What exactly did Chris Santee tell		
23	you regarding the Lantern Group status as a		
24	private developer?		
25	A. He told me that the Lantern Group		

	Page 298		Page 299
1	Rolande Cutner 298	1	Rolande Cutner 299
2	had also a building that they bought, that	2	Q. Other than the conversation you
3	they were in this business of buying other	3	testified to with Mr. Santee, is there any
4	buildings and he told me about that, about	4	other reason, basis for your belief that the
5	buying other buildings.	5	Lantern Group is actually a private
6	Q. Did he tell you whether or not the	6	developer?
7	buildings that they were buying were going to	7	A. I also spoke with the lawyer of the
8	be used for non profit purpose?	8	SRO law project.
9	A. Well, not exactly like that. He	9	Q. Is that Mr. Islam?
10	would say there is some kind of fraud going	10	A. M. Islam, yes; Shafaq Islam.
11	on, on the fact that they bought several	11	Q. What did you say to Mr. Islam?
12	buildings and they are under false pretense	12	A. Same thing about, you know, how
13	of helping the poor. I remember he said	13	upset I was, what was going on in the
14	false pretense of helping the poor. That I	14	building and that the Lantern Group packs the
15	remember in the conversation and that I think	15	illegal Mexicans, that we were suffering a
16	he mentioned at least four different	16	lot and I explained the situation of the
17	buildings and that was a substance of the	17	building to Mr. Shafaq Islam on the specific
18	conversation.	18	incident where he had participate in a
19	Q. Did he tell you what those four	19	memorandum of understanding with the Lantern
20	buildings that you referred to were being	20	Group and his signature was at the bottom of
21	used for instead of helping the poor?	21	this piece of paper and this is why I want to
22	A. No, he did not elaborate on that.	22	talk to him because when I saw his signature
23	Q. Did he tell you where he got that	23	down this memorandum of understanding, of
24	information from?	24	course, I became very upset and I immediately
25	A. No, he didn't say.	25	request an appointment and I went to see him.
	Page 300		Page 301
1	Rolande Cutner 300	1	Rolande Cutner 301
2	Q. What did he say to you in response	2	this conversation that the Lantern Group is
3	to your concerns?	3	not a non profit organization?
4	A. He said that after October, I think	4	A. No, we did not talk about this
5	October 27th but, again, I have to look at	5	particular. He just said that the SRO law
6	the date book, after October 27th when he	6	project kind of withdrew from the negotiation
7	sign this memorandum of understanding, let's	7	because they had the feeling that it was
8	call it that, memorandum of understanding,	8	going nowhere.
9	after October, I think October 27th, they	9	Q. Other than what you've already
10	were not anymore in negotiation with the	10	testified to, is there any other way that you
11	Lantern Group regarding renovation of the	11	relied on these misstatements that you allege
12	building and protection of the permanent	12	were misleading?
13	tenants and that negotiations were dead and	13	A. Tell me again.
14	that they were not anymore, negotiation,	14	Q. I'll rephrase.
15	group of advisory people, that SRO Law	15	Other than what you've already
16	project was not anywhere involved because the	16	testified to, is there any way in which you
17	Lantern Group was not coming truthfully to	17	relied on the statements that the Lantern
18	the negotiation and that yes, after the 27th	18	Group was a charitable organization?
19	of October, there were not anymore	19	A. Other than what we discussed
20	negotiation with the Lantern Group and he	20	already?
21	said also that if I pursue it, he will come,	21	Q. Right?
22	and I said "would you testify to what you	22	A. No, I don't recall. I don't
23	just said" and he said "sure, I have no	23	recall.
24	problem with that."	24	Q. Other than what you've already
25	Q. And did Mr. Islam tell you during	25	testified to, are there any other damages

<p style="text-align: right;">Page 302</p> <p>1                   Rolande Cutner                   302</p> <p>2 that you suffered?</p> <p>3           A. I don't recall.</p> <p>4           Q. I'm going to direct you to the last</p> <p>5 page of the complaint. You say that you're</p> <p>6 requesting an order that the management</p> <p>7 agreement between Capital Resources and 319</p> <p>8 West Street, LLC be declared void and</p> <p>9 unenforceable; what agreement are you</p> <p>10 referring to?</p> <p>11           A. Management agreement.</p> <p>12           Q. Why do you believe that the Court</p> <p>13 should declare this agreement void and non</p> <p>14 enforceable?</p> <p>15           A. Because of the fraud.</p> <p>16           Q. Is that the fraud that you already</p> <p>17 testified to, that you just told me about?</p> <p>18           A. Yes.</p> <p>19           Q. In Section C you say you want to</p> <p>20 award accrual damages pursuant to the first</p> <p>21 and second cause of action in the amount of</p> <p>22 \$100,000; what is your basis for seeking</p> <p>23 \$100,000?</p> <p>24           A. Related to the agreement I have</p> <p>25 from my office, I would say renewing the</p>	<p style="text-align: right;">Page 303</p> <p>1                   Rolande Cutner                   303</p> <p>2 office is \$2,000 a month so that would come</p> <p>3 to \$24,000 a year and then if I lose my</p> <p>4 office and if I have to find another office</p> <p>5 in Manhattan, it would be very, very</p> <p>6 expensive for me to find a new office so I</p> <p>7 came with this number comparing the price of</p> <p>8 offices in Manhattan.</p> <p>9           And also which is important, I am</p> <p>10 73 years old. I'm planning to work ten years</p> <p>11 ago until 83 and if I had to find another</p> <p>12 office and work ten years, you know, I would</p> <p>13 need the money to pay for the office for ten</p> <p>14 more years and if I lose this agreement with</p> <p>15 the KVB partners then I am really very, very</p> <p>16 in a difficult position to find office that</p> <p>17 was related to the losing the office space.</p> <p>18           Q. Other than what you've testified to</p> <p>19 before regarding the fact that if you might</p> <p>20 not have clean clothes you may lose your</p> <p>21 office, is there any other reason why you</p> <p>22 believe you might lose your office?</p> <p>23           A. Well, I mean, you know, the fact</p> <p>24 that I am so upset, I'll be totally upset and</p> <p>25 then I'll lose office and it will be terrible</p>
<p style="text-align: right;">Page 304</p> <p>1                   Rolande Cutner                   304</p> <p>2 hardship for me.</p> <p>3           Q. You also in Section D you say award</p> <p>4 statutory damages pursuant to the first cause</p> <p>5 of action in the amount of \$100,000; what is</p> <p>6 your basis?</p> <p>7           A. Because I am a disabled person. I</p> <p>8 have disability and, you know.</p> <p>9           Q. You also allege in Section E</p> <p>10 punitive damages pursuant to the first and</p> <p>11 second cause of action in the amount of</p> <p>12 \$300,000; what is your basis for asking for</p> <p>13 \$300,000 in punitive damages?</p> <p>14           A. I understand that if you, if the</p> <p>15 Lantern Group is acting in such strategy way</p> <p>16 so that a jury can award punitive damages to</p> <p>17 others, as an example to other corporations</p> <p>18 who pretend to be non profit, pretend to help</p> <p>19 the poor and as a matter of fact not doing</p> <p>20 that, it would be an example for other</p> <p>21 corporations and then I understand that the</p> <p>22 \$100,000 that I am asking for my own damage</p> <p>23 could be and again, that's up to the jury not</p> <p>24 me, the judge, the jury could decide it is</p> <p>25 three times the damages that this lady</p>	<p style="text-align: right;">Page 305</p> <p>1                   Rolande Cutner                   305</p> <p>2 suffered but that will be to frighten other</p> <p>3 corporations to do bad steps.</p> <p>4           This is what I understood that the</p> <p>5 punitive damages is, to frighten other</p> <p>6 corporations to do something bad, not for me</p> <p>7 and it will be three times the damages. This</p> <p>8 is what I understood but I could be wrong and</p> <p>9 it's the nature of the jury.</p> <p>10           MS. HOLTZER: Let's take a</p> <p>11 five-minute break.</p> <p>12           (Whereupon, a recess was</p> <p>13 taken at this time.)</p> <p>14           Q. Ms. Cutner, I'm going to refer to</p> <p>15 you Section F, the last page of the</p> <p>16 complaint, Exhibit A. You say you would like</p> <p>17 the Court to award you cost and expenses;</p> <p>18 what have your cost and expenses been so far?</p> <p>19           A. That's a process server I</p> <p>20 understand and I don't have the file in front</p> <p>21 of me but I understand it's \$395 an hour,</p> <p>22 something like that, process server; the taxi</p> <p>23 when I go to the court. So from either from</p> <p>24 my office or from my home, like, we went, I</p> <p>25 went there for the process fees -- let me</p>

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1	Rolande Cutner 306	1	Rolande Cutner 307
2	see, one for the process fees then I went	2	traffic.
3	there when I filed a default judgment then I	3	Q. So about 12 to \$15 each time?
4	went there in January when we had the hearing	4	A. But return so it would be 30.
5	then I went there --	5	Q. Round trip about \$30 round trip
6	Q. Sorry to interrupt you. Hearing,	6	each of the four times you would go to court?
7	meaning the initial conference?	7	A. Yes.
8	A. Yes, initial conference,	8	Q. I'm going to refer you now to what
9	January 9th, I believe. And then we went	9	has been marked as Exhibit F, it's your
10	there again lately. When was that?	10	disclosure; I just want to go through your
11	Q. The status conference?	11	list of potential witnesses.
12	A. July, something like that. So for	12	On the second page you list
13	time back and forth with the taxi. I mean	13	Christopher Santee; is that the same
14	the big, big expenses was the process server,	14	Christopher Santee you mentioned several
15	the taxi to go back and forth. What else? I	15	times throughout your testimony?
16	don't think, I don't think because I'm a	16	A. Yes, yes.
17	lawyer, I don't pay myself. David Cutner, my	17	Q. What can Robert Atkins testify to,
18	former husband, he's kind enough to say,	18	what was Robert Atkins a witness to?
19	"I'll do that as a gift," you know, when he	19	A. It's a permanent tenant.
20	came to help me so, no, no fee like that and	20	Q. As a permanent tenant, why did you
21	viola.	21	put his name down regarding --
22	Q. How much did you spend on taxis to	22	A. Because I think and I hope, I
23	and from the court?	23	remember, I think one day he was sitting just
24	A. Oh, generally from my office it's	24	on the stoop but again, you know, I have to
25	like about 12 or 15, depending on the	25	recall but I think he was sitting on the
Page 308		Page 309	
1	Rolande Cutner 308	1	Rolande Cutner 309
2	stoop and he was a witness to some of my	2	other tenants as well?
3	confrontations with security guard. I think	3	A. Towards me because he was a
4	he can testify to that.	4	witness.
5	Q. Is there anything else that you	5	Q. What about Almady Mamadou?
6	think Robert Atkins could testify to?	6	A. Well, this guy, I believe it's a
7	A. Right now at this minute, no, but	7	guy who is from African country where he also
8	maybe.	8	would be a witness for me to testify about,
9	Q. What about Christopher Ford?	9	you know, the fact that security guard would
10	A. Christopher Ford, I remember he was	10	turn away my laundry. I believe that he was
11	a guy, you remember he was the guy in the	11	there one day when I had this confrontation.
12	bathroom taking a poo and then the guy went	12	I believe. I believe.
13	banging on the door and he said, "How do you	13	Q. What about Ian Robertson?
14	feel that you are in the bathroom," and the	14	A. Same thing, confrontation with the
15	guy is -- I remember that, so he probably	15	security guard.
16	will testify about that, about the fact that	16	Q. Monika Sandoval?
17	the social worker had absolutely no respect	17	A. Yes. They are in the Room 344, you
18	for him and was banging on the bathroom door.	18	see, next to me, so they will testify also of
19	I think he will testify about that.	19	what's going on, you know, in this building.
20	Q. What about Nikolas Legrande?	20	Q. You mean the conditions of the
21	A. Yes, he will testify to the verbal	21	building?
22	abuse from the security guard. I think also	22	A. Maybe, but the problem is that they
23	from, I would say, verbal abuse he would	23	are Spanish so I am not sure. But at one
24	testify.	24	point she said yes. But, you know,
25	Q. Verbal abuse towards you or towards	25	questionable.

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1	Rolande Cutner 310	1	Rolande Cutner 311
2	Q. What about Shoshana Morgan?	2	lawyer and then she complained to me that the
3	A. Yes, she would. I think she will	3	Lantern Group reneged on her understanding,
4	testify, I think so. She said yes but, you	4	what she had negotiated and she said, "I can
5	know, again, this list, when you go back,	5	testify to that, that they say yes, yes, yes
6	they might change their mind. I mean, you	6	and then after the next day it's not yes." I
7	know what I say when I talk to them and I say	7	think she will testify to that particular
8	to you, remember this, oh, yes, oh, yes, I	8	fact, I think that she said.
9	testify, but you know, it's not, you	9	Q. What was William Ashby a witness
10	understand that.	10	to?
11	Q. I understand. I'm not asking	11	A. He will testify to the terrible
12	whether or not they're going to testify, I'm	12	condition of the building.
13	asking what you believe that they witnessed.	13	Q. And Fernando Colon?
14	A. Yes, yes. So this lady Shoshana,	14	A. Also the condition of the building.
15	same thing, verbal abuse and this.	15	Q. What about Shelly Rosner?
16	Q. James Wood is the gentleman you	16	A. Well, she said, "You will have to
17	testified about last time that moved to	17	subpoena me" because she's very, very afraid
18	Huntermoon Hall?	18	of the Lantern Group and she said, you know,
19	A. Yes, and he came back and when he	19	"I wish I could testify." Because if you
20	came back, he complained to me and he said	20	remember in my complaint, you remember the
21	that he did not like Huntermoon but again,	21	story about people coming from the roof and
22	you know, I don't know if he will testify.	22	you remember she said she lived on the 6th
23	Q. What about Mimi Yon?	23	floor and she was terrified, you remember the
24	A. She complained to me because she	24	whole story?
25	had an understanding with the Lantern Group	25	Q. Yes.
	Page 312		Page 313
1	Rolande Cutner 312	1	Rolande Cutner 313
2	A. So this is this lady, Shelly	2	you remember the lady she went outside with a
3	Rosner, but she's terrified, and with reason,	3	little dog and she was in her evening
4	because she said, you know, "If they evict	4	nightgown and it's the guard closed the door
5	me, I be a whole mess. I be on the streets	5	and she couldn't get into the apartment, you
6	so you can't ask me voluntarily." She's	6	remember this story?
7	terrified, terrified.	7	Q. I remember that testimony.
8	Q. What about Alexis Chavis, what did	8	A. So this is Florence and she said
9	Alexis Chavis witness?	9	she will testify.
10	A. Terrible condition of the building,	10	Q. What is Thierry Poe a witness to?
11	you see.	11	A. Terrible condition of the building.
12	Q. And Cynthia Edwards?	12	Q. What about Rosalba Rodriguez a
13	A. Said she will come and testify	13	witness to?
14	about the, you know, the security guard, the	14	A. Well, she could testify to the fact
15	verbal abuse against me. She will testify	15	that we tried with the minimum of
16	because she was a witness there when that	16	understanding to negotiate with the Lantern
17	happened so if she accept to testify, if she	17	Group, you know, at least we try and she
18	accept, you know.	18	suddenly confirm we make an effort to arrive
19	Q. What was Jorge Ruiz a witness to?	19	to a better understanding, you know. I am
20	A. Terrible condition of the building.	20	pretty sure she will remember that.
21	Q. And Florence Baylor?	21	Q. What was Michael Meade a witness
22	A. This lady, this lady has two, she	22	to?
23	can testify about two things: The verbal	23	A. Well, I think he was there when we
24	abuse because she was witness that the	24	had -- you remember this big visit of the
25	security guard really talk badly to me. And	25	building with the elected officials came, it

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2	was like, you know, August in 2007 and you		2	the middle of being renovated, demolished and	
3	remember the story, there was all this		3	each building on each side will suffer of the	
4	violation and they went through the whole		4	renovation.	
5	building and they look at the violation so		5	I believe that that is one of his	
6	this guy Michael Meade was there, he was		6	concerns and the second concern is because	
7	there.		7	the, what we call, quote, unquote, NY3	
8	Q. And what was David Weinberg a		8	population will be, 60 percent will be put	
9	witness to?		9	into the building, they are former drug	
10	A. I think he was aware also of the		10	addicts, former psychiatrists patients	
11	visit. I am not sure if he was actually at		11	released from New York Hospital, people	
12	the visit because it was this huge group of		12	suffering from AIDS, people publicly	
13	people and, you know, there were a lot of the		13	homeless, they are going to be put in our	
14	elected officials at that particular visit in		14	building and this Aaron Biller is afraid	
15	the months of August so I think it was one of		15	because the Lantern Group explain to us that	
16	the people at this group but I am not sure.		16	they are going to have a social worker from	
17	Q. What was Aaron Biller a witness to?		17	9:00 to 5:00 and nothing from 5:00 to the	
18	A. Aaron Biller is the president of		18	next day, to the next day 9 o'clock. So	
19	this group of neighbors who are very upset		19	9 o'clock in the morning, so that it will	
20	with renovation project because they are		20	mean that we are totally at the mercy of	
21	owner of apartment, co-op or condo. I don't		21	somebody doing something bad to us so this	
22	know if it is co-op or if it is condo but I		22	Aaron Biller is very much concerned about the	
23	know for sure they own the apartment and they		23	NY3 population.	
24	are afraid that not only the adjacent wall		24	And Maxene Cleaners is the lady who	
25	will be cocked because the building being in		25	is the, she's not the owner but she's the	
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1	Rolande Cutner	316	1	Rolande Cutner	317
2	manager of the -- you remember the story		2	what really happened to me since March 2006	
3	about the cleaners?		3	until now.	
4	Q. Yes.		4	I think it's pretty complete, see,	
5	And Richard Bekins?		5	but I don't want to close the door because if	
6	A. He help me because one day I fell		6	somebody comes to my mind, of course, I would	
7	practically in front of him and he helped me		7	like to tell you because you have to be aware	
8	to go into my building.		8	of what's happened, so right now let me say	
9	Q. Other than what you've already		9	that we cover pretty well the incident.	
10	testified to today and at your deposition on		10	Q. As far as you can recall, just	
11	July 10th, are there any other facts that you		11	sitting here today, you believe --	
12	haven't already testified about that you		12	A. We cover the incident.	
13	believe support your claims against the		13	Q. Other than what you've already	
14	Lantern group?		14	testified to today and on July 10th, are	
15	A. You mean fact?		15	there any other damages that you allege that	
16	Q. Other than what you've already told		16	you've suffered that you didn't already	
17	me about, is there anything else that you		17	testify about?	
18	haven't told me about that you believe		18	A. Not that I recall but you know, I	
19	supports your claims against the Lantern		19	don't want to close the door completely. If	
20	Group?		20	I find, I have more or a number, whatever,	
21	A. I think I'll have to look into my		21	immediately I let you know. Absolutely.	
22	calendar, you know, or whatever when there is		22	Q. But as you sit here today, as far	
23	a, for instance, verbal abuse. I'll maybe		23	as you know and as far as you recall, we've	
24	write it down, maybe, but I would say it's		24	covered everything with regard to your	
25	pretty, we did a pretty good testimony about		25	incident?	

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1	Rolande Cutner	318	319
2	A. Everything with regard to the		
3	incident I would say.		
4	MS. HOLTZER: We're done.		
5	-00-		
6	(Whereupon, the examination		
7	of Rolande Cutner was concluded at		
8	12:50 p.m.)		
9			
10			
11			
12	ROLANDE CUTNER		
13			
14			
15	Subscribed and sworn to		
16	before me this day		
17	of , 2008.		
18			
19			
20			
21	NOTARY PUBLIC		
22			
23			
24			
25			

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1		320
2		
3	CERTIFICATE	
4		
5	I, MARY E. SANTIAGO, a Notary Public	
6	within and for the State of New York, do	
7	hereby certify:	
8	That the witness(es) whose testimony	
9	is hereinbefore set forth was duly sworn by	
10	me, and the foregoing transcript is a true	
11	record of the testimony given by such	
12	witness(es).	
13	I further certify that I am not	
14	related to any of the parties to this action	
15	by blood or marriage, and that I am in no way	
16	interested in the outcome of this matter.	
17		
18		
19		
20	MARY E. SANTIAGO	
21		
22		
23		
24		
25		